

# HOUSE BILL No. 1803

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1.

**Synopsis:** Property tax sales. Amends the procedures for property tax sales and redemption of property sold in property tax sales.

**Effective:** July 1, 2005.

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**Saunders**

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January 19, 2005, read first time and referred to Committee on Local Government.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1803

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 6-1.1-24-1 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) ~~On or~~ Before July  
3       + 2 of each year, the county treasurer shall certify to the county auditor  
4       a list of real property on which any of the following exist:

5               (1) Any property taxes or special assessments certified to the  
6               county auditor for collection by the county treasurer from the  
7               prior year's spring installment or before are delinquent as  
8               determined under IC 6-1.1-37-10.

9               (2) Any unpaid costs are due under section 2(b) of this chapter  
10              from a prior tax sale.

11       **Failure of the county treasurer to certify the list before July 2 does**  
12       **not invalidate an otherwise valid sale.**

13       (b) The county auditor shall maintain a list of all real property  
14       eligible for sale. Unless the taxpayer pays to the county treasurer the  
15       amounts in subsection (a), the taxpayer's property shall remain on the  
16       list. The list must:

17              (1) describe the real property by parcel number and ~~common~~



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street address, if any;

(2) for a tract or item of real property with a single owner, indicate the name of the owner; and

(3) for a tract or item with multiple owners, indicate the name of at least one (1) of the owners.

(c) Except as otherwise provided in this chapter, the real property so listed is eligible for sale in the manner prescribed in this chapter.

(d) Not later than fifteen (15) days after the date of the county treasurer's certification under subsection (a), the county auditor shall mail by certified mail a copy of the list described in subsection (b) to each mortgagee who requests from the county auditor by certified mail a copy of the list. Failure of the county auditor to mail the list under this subsection does not invalidate an otherwise valid sale.

SECTION 2. IC 6-1.1-24-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) In addition to the delinquency list required under section 1 of this chapter, each county auditor shall prepare a notice. The notice shall contain the following:

(1) A list of tracts or real property eligible for sale under this chapter.

(2) A statement that the tracts or real property included in the list will be sold at public auction to the highest bidder, subject to the right of redemption.

(3) A statement that the tracts or real property will not be sold for an amount which is less than the sum of:

(A) the delinquent taxes and special assessments on each tract or item of real property;

(B) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, whether or not they are delinquent;

(C) all penalties due on the delinquencies;

(D) an amount prescribed by the county auditor that equals the sum of:

(i) twenty-five dollars (\$25) for postage and publication costs; and

(ii) any other actual costs incurred by the county that are directly attributable to the tax sale; and

(E) any unpaid costs due under subsection (b) from a prior tax sale.

(4) A statement that a person redeeming each tract or item of real property after the sale must pay:

(A) one hundred ten percent (110%) of the amount of the minimum bid for which the tract or item of real property was

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offered at the time of sale if the tract or item of real property is redeemed not more than six (6) months after the date of sale;

(B) one hundred fifteen percent (115%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed more than six (6) months after the date of sale;

(C) the amount by which the purchase price exceeds the minimum bid on the tract or item of real property plus ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum bid; and

(D) all taxes and special assessments on the tract or item of real property paid by the purchaser after the tax sale plus interest at the rate of ten percent (10%) per annum on the amount of taxes and special assessments paid by the purchaser on the redeemed property.

(5) A statement for informational purposes only, of the location of each tract or item of real property by key number, if any, and street address, if any, or a common description of the property other than a legal description. The township assessor, upon written request from the county auditor, shall provide the information to be in the notice required by this subsection. A misstatement in the ~~key number or street address or common description~~ does not invalidate an otherwise valid sale.

(6) A statement that the county does not warrant the accuracy of the street address or common description of the property.

(7) A statement indicating:

(A) the name of the owner of each tract or item of real property with a single owner; or

(B) the name of at least one (1) of the owners of each tract or item of real property with multiple owners.

(8) A statement of the procedure to be followed for obtaining or objecting to a judgment and order of sale, that must include the following:

(A) A statement:

(i) that the county auditor and county treasurer will apply on or after a date designated in the notice for a court judgment against the tracts or real property for an amount that is not less than the amount set under subdivision (3), and for an order to sell the tracts or real property at public auction to the highest bidder, subject to the right of redemption; and

(ii) indicating the date when the period of redemption

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specified in IC 6-1.1-25-4 will expire.

(B) A statement that any defense to the application for judgment must be filed with the court before the date designated as the earliest date on which the application for judgment may be filed.

(C) A statement that the court will set a date for a hearing at least seven (7) days before the advertised date and that the court will determine any defenses to the application for judgment at the hearing.

(9) A statement that the sale will be conducted at a place designated in the notice and that the sale will continue until all tracts and real property have been offered for sale.

(10) A statement that the sale will take place at the times and dates designated in the notice. Except as provided in section 5.5 of this chapter, the sale must take place on or after August 1 and before November 1 of each year.

(11) A statement that a person redeeming each tract or item after the sale must pay the costs described in IC 6-1.1-25-2(e).

(12) If a county auditor and county treasurer have entered into an agreement under IC 6-1.1-25-4.7, a statement that the county auditor will perform the duties of the notification and title search under IC 6-1.1-25-4.5 and the notification and petition to the court for the tax deed under IC 6-1.1-25-4.6.

(13) A statement that, if the tract or item of real property is sold for an amount more than the minimum bid and the property is not redeemed, the owner of record of the tract or item of real property who is divested of ownership at the time the tax deed is issued may have a right to the tax sale surplus.

(14) If a determination has been made under subsection (d), a statement that **indicates the** tracts or items **that** will be sold together.

(b) If within sixty (60) days before the date of the tax sale the county incurs costs set under subsection (a)(3)(D) and those costs are not paid, the county auditor shall enter the amount of costs that remain unpaid upon the tax duplicate of the property for which the costs were set. The county treasurer shall mail notice of unpaid costs entered upon a tax duplicate under this subsection to the owner of the property identified in the tax duplicate.

(c) The amount of unpaid costs entered upon a tax duplicate under subsection (b) must be paid no later than the date upon which the next installment of real estate taxes for the property is due. Unpaid costs entered upon a tax duplicate under subsection (b) are a lien against the

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property described in the tax duplicate, and amounts remaining unpaid on the date the next installment of real estate taxes is due may be collected in the same manner that delinquent property taxes are collected.

(d) The county auditor and county treasurer may establish the condition that a tract or item will be sold ~~and may be redeemed~~ under this chapter only if the tract or item is sold ~~or redeemed~~ together with one (1) or more other tracts or items. Property may be sold together only if the tract or item is owned by the same person. **Property sold together must be redeemed together.**

SECTION 3. IC 6-1.1-24-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) When real property is eligible for sale under this chapter, the county auditor shall post a copy of the notice required by sections 2 and 2.2 of this chapter at a public place of posting in the county courthouse or in another public county building at least twenty-one (21) days before the earliest date of application for judgment. In addition, the county auditor shall, in accordance with IC 5-3-1-4, publish the notice required in sections 2 and 2.2 of this chapter once each week for three (3) consecutive weeks before the earliest date on which the application for judgment may be made. The expenses of this publication shall be paid out of the county general fund without prior appropriation.

(b) **Subject to subsection (d)**, at least twenty-one (21) days before the application for judgment is made, the county auditor shall mail a copy of the notice required by sections 2 and 2.2 of this chapter by certified mail, return receipt requested, to any mortgagee who annually requests, by certified mail, a copy of the notice. However, the failure of the county auditor to mail this notice or its nondelivery does not affect the validity of the judgment and order.

(c) The ~~advertisement published~~ **mailing of notice** under section 4(b) of this chapter is considered sufficient notice of the intended application for judgment and of the sale of real property under the order of the court.

**(d) The county auditor is not required to mail the notice referred to in subsection (b) by certified mail to a person with a mailing address outside the United States.**

SECTION 4. IC 6-1.1-24-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) **Subject to subsection (d)**, not less than twenty-one (21) days before the earliest date on which the application for judgment and order for sale of real property eligible for sale may be made, the county auditor shall send a notice of the sale by certified mail to:

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- (1) the owner of record of real property with a single owner; or  
 (2) to at least one (1) of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor. The county auditor shall prepare the notice in the form prescribed by the state board of accounts. The notice must set forth the key number, if any, of the real property and a street address, if any, or other common description of the property other than a legal description. The notice must include the statement set forth in section 2(a)(4) of this chapter. The county auditor must present proof of this mailing to the court along with the application for judgment and order for sale. Failure by an owner to receive or accept the notice required by this section does not affect the validity of the judgment and order. The owner of real property shall notify the county auditor of the owner's correct address. The notice required under this section is considered sufficient if the notice is mailed to the address required by this section.

(b) This subsection applies to a county having a consolidated city. In addition to the notice required under subsection (a) for real property on the list prepared under section 1.5(e) of this chapter, the county auditor shall prepare and mail the notice required under section 2.2 of this chapter no later than August 15 in the year in which the property is to be sold under this chapter.

(c) On or before the day of sale, the county auditor shall list, on the tax sale record required by IC 6-1.1-25-8, all properties that will be offered for sale.

**(d) The county auditor is not required to mail the notice referred to in subsection (a) by certified mail to a person with a mailing address outside the United States.**

SECTION 5. IC 6-1.1-24-5.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.3. (a) This section applies to the following:

- (1) A person who owes delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior tax sale on a tract **or item** of real property listed under section 1 of this chapter.  
 (2) A person who is an agent of the person described in subdivision (1).

(b) A person subject to this section may not purchase a tract **or an item of real property or a certificate of sale** offered for sale under section 5, ~~or~~ 5.5, **or 6.1** of this chapter.

(c) If a person purchases a tract **or an item of real property or a**

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**certificate of sale** that the person was not eligible to purchase under this section, the sale of the property **or certificate** is void. The county treasurer shall apply the amount of the person's bid to the person's delinquent taxes and offer the **tract or item of real property or certificate** for sale again under this chapter.

SECTION 6. IC 6-1.1-24-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) The county commissioners may:

(1) by resolution, identify properties:

(A) that are described in section 6.7(a) of this chapter; and

(B) concerning which the county commissioners desire to offer to the public the certificates of sale acquired by the county under section 6 of this chapter;

(2) publish notice in accordance with IC 5-3-1 of the date, time, and place for a public sale of the certificates of sale that is not earlier than ninety (90) days after the last date the notice is published; and

(3) sell each certificate of sale covered by the resolution for a price that:

(A) is less than the minimum sale price prescribed by section 5(e) of this chapter **for which the tract or item of real property was last offered for sale;** and

(B) includes any costs to the county directly attributable to the sale of the certificate of sale.

(b) Notice of the list of properties prepared under subsection (a) and the date, time, and place for the public sale of the certificates of sale shall be published in accordance with IC 5-3-1. The notice must:

(1) include a description of the property by parcel number and common address;

(2) specify that the county commissioners will accept bids for the certificates of sale for the price referred to in subsection (a)(3);

(3) specify the minimum bid for each parcel;

(4) include a statement that a person redeeming each tract or item of real property after the sale of the certificate must pay:

(A) the amount of the minimum bid under section 5(e) of this chapter for which the tract or item of real property was last offered for sale;

(B) ten percent (10%) of the amount for which the certificate is sold;

(C) the attorney's fees; ~~and costs of giving notice under IC 6-1.1-25-4.5;~~

(D) the costs of a title search or of examining and updating the

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abstract of title for the tract or item of real property; ~~and~~  
 (E) all taxes and special assessments on the tract or item of  
 real property paid by the purchaser after the sale of the  
 certificate plus interest at the rate of ten percent (10%) per  
 annum on the amount of taxes and special assessments paid by  
 the purchaser on the redeemed property; and

**(F) the costs of giving notice under section 4 of this  
 chapter, including:**

**(i) postage;**

**(ii) certified mailing fees; and**

**(iii) publication costs; and**

(5) include a statement that, if the certificate is sold for an amount  
 more than the minimum bid under section 5(e) of this chapter for  
 which the tract or item of real property was last offered for sale  
 and the property is not redeemed, the owner of record of the tract  
 or item of real property who is divested of ownership at the time  
 the tax deed is issued may have a right to the tax sale surplus.

SECTION 7. IC 6-1.1-24-9 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) Immediately after  
 a tax sale purchaser pays the bid, as evidenced by the receipt of the  
 county treasurer, or immediately after the county acquires a lien under  
 section 6 of this chapter, the county auditor shall deliver a certificate  
 of sale to the purchaser or to the county or to the city. The certificate  
 shall be signed by the auditor and registered in the auditor's office. The  
 certificate shall contain:

(1) a description of real property that corresponds to the  
 description used on the notice of sale;

(2) the name of:

(A) the owner of record at the time of the sale of real property  
 with a single owner; or

(B) at least one (1) of the owners of real property with multiple  
 owners;

(3) the mailing address of the owner of the real property sold as  
 indicated in the records of the county auditor;

(4) the name of the purchaser;

(5) the date of sale;

(6) the amount for which the real property was sold;

(7) the amount of the minimum bid for which the tract or real  
 property was offered at the time of sale as required by section 5  
 of this chapter;

(8) the date when the period of redemption specified in  
 IC 6-1.1-25-4 will expire;

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(9) the court cause number under which judgment was obtained;  
and

(10) the street address, if any, or common description of the real property.

(b) When a certificate of sale is issued under this section, the purchaser acquires a lien against the real property for the entire amount paid. The lien of the purchaser is superior to all liens against the real property ~~which exist at the time the certificate is issued. except:~~

**(1) a lien granted priority under federal law; and**

**(2) the lien of the state or a political subdivision for taxes and special assessments that accrue after the sale.**

(c) A certificate of sale is assignable. However, an assignment is not valid unless it is endorsed on the certificate of sale, acknowledged before an officer authorized to take acknowledgments of deeds, and registered in the office of the county auditor. When a certificate of sale is assigned, the assignee acquires the same rights and obligations that the original purchaser acquired.

SECTION 8. IC 6-1.1-25-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The total amount of money required for the redemption of real property equals:

(1) the sum of the amounts prescribed in subsections (b) through (e); or

(2) the amount prescribed in subsection (f);

reduced by any amounts held in the name of the taxpayer or the purchaser in the tax sale surplus fund.

(b) Except as provided in subsection (f), the total amount required for redemption includes:

(1) one hundred ten percent (110%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if the tract or item of real property is redeemed not more than six (6) months after the date of sale; or

(2) one hundred fifteen percent (115%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if the tract or item of real property is redeemed more than six (6) months but not more than one (1) year after the date of sale.

(c) Except as provided in subsection (f), in addition to the amount required under subsection (b), the total amount required for redemption includes the amount by which the purchase price exceeds the minimum bid on the real property plus ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum bid on the property.

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(d) Except as provided in subsection (f), in addition to the amount required under subsections (b) and (c), the total amount required for redemption includes all taxes and special assessments upon the property paid by the purchaser after the sale plus ten percent (10%) interest per annum on those taxes and special assessments.

(e) Except as provided in subsection (f), in addition to the amounts required under subsections (b), (c), and (d), the total amount required for redemption includes the following costs, if certified before redemption by the payor to the county auditor on a form prescribed by the state board of accounts, that were incurred and paid by the purchaser, the purchaser's assignee, or the county, before redemption:

(1) The attorney's fees. ~~and costs of giving notice under section 4.5 of this chapter.~~

(2) The costs of a title search or of examining and updating the abstract of title for the tract or item of real property.

**(3) The costs of giving notice under section 4.5 of this chapter, including:**

**(A) postage;**

**(B) certified mailing fees; and**

**(C) publication costs.**

(f) With respect to a tract or item of real property redeemed under section 4(c) of this chapter, instead of the amounts stated in subsections (b) through (e), the total amount required for redemption is the amount determined under IC 6-1.1-24-6.1(b)(4).

SECTION 9. IC 6-1.1-25-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. **(a) Except as provided in subsection (b),** when real property is redeemed and the certificate of sale is surrendered to the county auditor, the auditor shall issue a warrant to the:

(1) purchaser; **or**

(2) purchaser's assignee; ~~or~~

~~(3) purchaser of the certificate of sale under IC 6-1.1-24;~~

in an amount equal to the amount received by the county treasurer for redemption. The county auditor shall ~~indorse~~ **endorse** the certificate and preserve it as a public record. If a certificate of sale is lost and the auditor is satisfied that the certificate did exist, the county auditor may make payment in the manner provided in this section.

**(b) When real property sold under IC 6-1.1-24-6.1 is redeemed and the certificate of sale is surrendered to the county auditor, the county auditor shall issue a warrant to the purchaser of the certificate of sale, or the purchaser's assignee, in an amount equal to the remainder of:**

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1 (1) the amount received by the county treasurer for  
2 redemption; minus

3 (2) the remainder of:

4 (A) the amount of the minimum bid under IC 6-1.1-24-5(e)  
5 for which the tract or item of real property was last  
6 offered for sale; and

7 (B) the amount for which the certificate of sale was sold.

8 SECTION 10. IC 6-1.1-25-4.5 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) Except as  
10 provided in subsection (d), a purchaser or the purchaser's assignee is  
11 entitled to a tax deed to the property that was sold only if:

12 (1) the redemption period specified in section 4(a)(1) of this  
13 chapter has expired;

14 (2) the property has not been redeemed within the period of  
15 redemption specified in section 4(a) of this chapter; and

16 (3) not later than nine (9) months after the date of the sale:

17 (A) the purchaser or the purchaser's assignee; or

18 (B) in a county where the county auditor and county treasurer  
19 have an agreement under section 4.7 of this chapter, the  
20 county auditor;

21 gives notice of the sale to the owner of record at the time of the  
22 sale and any person with a substantial property interest of public  
23 record in the tract or real property.

24 (b) A county is entitled to a tax deed to property on which the  
25 county acquires a lien under IC 6-1.1-24-6 and for which the certificate  
26 of sale is not sold under IC 6-1.1-24-6.1 only if:

27 (1) the redemption period specified in section 4(b) of this chapter  
28 has expired;

29 (2) the property has not been redeemed within the period of  
30 redemption specified in section 4(b) of this chapter; and

31 (3) not later than ninety (90) days after the date the county  
32 acquires the lien under IC 6-1.1-24-6, the county auditor gives  
33 notice of the sale to:

34 (A) the owner of record at the time the lien was acquired; and

35 (B) any person with a substantial property interest of public  
36 record in the tract or real property.

37 (c) A purchaser of a certificate of sale under IC 6-1.1-24-6.1 is  
38 entitled to a tax deed to the property for which the certificate was sold  
39 only if:

40 (1) the redemption period specified in section 4(c) of this chapter  
41 has expired;

42 (2) the property has not been redeemed within the period of

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redemption specified in section 4(c) of this chapter; and  
 (3) not later than ninety (90) days after the date of sale of the  
 certificate of sale under IC 6-1.1-24, the purchaser gives notice of  
 the sale to:

(A) the owner of record at the time of the sale; and

(B) any person with a substantial property interest of public  
 record in the tract or real property.

(d) A purchaser or the purchaser's assignee is entitled to a tax deed  
 to the property that was sold under IC 6-1.1-24-5.5(b) only if:

(1) the redemption period specified in section 4(a)(4) of this  
 chapter has expired;

(2) the property has not been redeemed within the period of  
 redemption specified in section 4(a)(4) of this chapter; and

(3) not later than ninety (90) days after the date of the sale, the  
 purchaser or the purchaser's assignee gives notice of the sale to:

(A) the owner of record at the time of the sale; and

(B) any person with a substantial property interest of public  
 record in the tract or real property.

(e) **Subject to subsection (l)**, the person required to give the notice  
 under subsection (a), (b), ~~or~~ (c), **or (d)** shall give the notice by sending  
 a copy of the notice by certified mail to:

(1) the owner of record at the time of the:

(A) sale of the property;

(B) acquisition of the lien on the property under IC 6-1.1-24-6;  
 or

(C) sale of the certificate of sale on the property under  
 IC 6-1.1-24;

at the last address of the owner for the property, as indicated in  
 the records of the county auditor; and

(2) any person with a substantial property interest of public record  
 at the address for the person included in the public record that  
 indicates the interest.

However, if the address of the person with a substantial property  
 interest of public record is not indicated in the public record that  
 created the interest **or the address indicated is no longer valid and a  
 valid address** cannot be located by ordinary means by the person  
 required to give the notice under subsection (a), (b), ~~or~~ (c), **or (d)**, the  
 person may give notice by publication in accordance with IC 5-3-1-4  
 once each week for three (3) consecutive weeks.

(f) The notice that this section requires shall contain at least the  
 following:

(1) A statement that a petition for a tax deed will be filed on or

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after a specified date.

(2) The date on or after which the petitioner intends to petition for a tax deed to be issued.

(3) A description of the tract or real property shown on the certificate of sale.

(4) The date the tract or real property was sold at a tax sale.

(5) The name of the:

(A) purchaser or purchaser's assignee;

(B) county that acquired the lien on the property under IC 6-1.1-24-6; or

(C) person that purchased the certificate of sale on the property under IC 6-1.1-24.

(6) A statement that any person may redeem the tract or real property.

(7) The components of the amount required to redeem the tract or real property.

(8) A statement that an entity identified in subdivision (5) is entitled to reimbursement for additional taxes or special assessments on the tract or real property that were paid by the entity subsequent to the tax sale, lien acquisition, or purchase of the certificate of sale, and before redemption, plus interest.

(9) A statement that the tract or real property has not been redeemed.

(10) A statement that an entity identified in subdivision (5) is entitled to receive a deed for the tract or real property if it is not redeemed before the expiration of the period of redemption specified in section 4 of this chapter.

(11) A statement that an entity identified in subdivision (5) is entitled to reimbursement for costs described in section 2(e) of this chapter.

(12) The date of expiration of the period of redemption specified in section 4 of this chapter.

(13) A statement that if the property is not redeemed, the owner of record at the time the tax deed is issued may have a right to the tax sale surplus, if any.

(14) The street address, if any, or a common description of the tract or real property.

(15) The key number or parcel number of the tract or real property.

(g) The notice under this section must include not more than one (1) tract or item of real property listed and sold in one (1) description. However, when more than one (1) tract or item of real property is

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owned by one (1) person, all of the tracts or real property that are owned by that person may be included in one (1) notice.

(h) A single notice under this section may be used to notify joint owners of record at the last address of the joint owners for the property sold, as indicated in the records of the county auditor.

(i) The notice required by this section is considered sufficient if the notice is mailed to the address required under subsection (e).

(j) The notice under this section and the notice under section 4.6 of this chapter are not required for persons in possession not shown in the public records.

(k) If the purchaser **of a certificate of sale under IC 6-1.1-24-6.1** fails to:

(1) comply with subsection (c)(3); or

(2) **file a** petition for the issuance of a tax deed within the time permitted under section 4.6(a) of this chapter; the certificate of sale reverts to the county and may be retained by the county or sold under IC 6-1.1-24-6.1.

**(l) A person is not required to mail the notice referred to in subsection (e) by certified mail to a person with a mailing address outside the United States.**

SECTION 11. IC 6-1.1-25-4.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.6. (a) After the expiration of the redemption period specified in section 4 of this chapter but not later than six (6) months after the expiration of the period of redemption:

(1) the purchaser, the purchaser's assignee, the county, or the purchaser of the certificate of sale under IC 6-1.1-24 may; or

(2) in a county where the county auditor and county treasurer have an agreement under section 4.7 of this chapter, the county auditor shall, upon the request of the purchaser or the purchaser's assignee;

file a verified petition in the same court and under the same cause number in which the judgment of sale was entered asking the court to direct the county auditor to issue a tax deed if the real property is not redeemed from the sale. Notice of the filing of this petition shall be given to the same parties and ~~in the same manner as provided in~~ **by the method by which notice is given under** section 4.5 of this chapter, except that, if notice is given by publication, only one (1) publication is required. The notice required by this section is considered sufficient if the notice is sent to the address required by section 4.5(e) of this chapter. Any person owning or having an interest in the tract or real property may file a written objection to the petition with the court not

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1 later than thirty (30) days after the date the petition was filed. If a  
 2 written objection is timely filed, the court shall conduct a hearing on  
 3 the objection.

4 (b) Not later than sixty-one (61) days after the petition is filed under  
 5 subsection (a), the court shall enter an order directing the county  
 6 auditor (on the production of the certificate of sale and a copy of the  
 7 order) to issue to the petitioner a tax deed if the court finds that the  
 8 following conditions exist:

9 (1) The time of redemption has expired.

10 (2) The tract or real property has not been redeemed from the sale  
 11 before the expiration of the period of redemption specified in  
 12 section 4 of this chapter.

13 (3) Except with respect to a petition for the issuance of a tax deed  
 14 under a sale of the certificate of sale on the property under  
 15 IC 6-1.1-24-6.1, all taxes and special assessments, penalties, and  
 16 costs have been paid.

17 (4) The notices required by this section and section 4.5 of this  
 18 chapter have been given.

19 (5) The petitioner has complied with all the provisions of law  
 20 entitling the petitioner to a deed.

21 The county auditor shall execute deeds issued under this subsection in  
 22 the name of the state under the county auditor's name. If a certificate of  
 23 sale is lost before the execution of a deed, the county auditor shall issue  
 24 a replacement certificate if the county auditor is satisfied that the  
 25 original certificate existed.

26 (c) Upon application by the grantee of a valid tax deed in the same  
 27 court and under the same cause number in which the judgment of sale  
 28 was entered, the court shall enter an order to place the grantee of a  
 29 valid tax deed in possession of the real estate. The court may enter any  
 30 orders and grant any relief that is necessary or desirable to place or  
 31 maintain the grantee of a valid tax deed in possession of the real estate.

32 (d) Except as provided in subsections (e) and (f), if the court refuses  
 33 to enter an order directing the county auditor to execute and deliver the  
 34 tax deed because of the failure of the petitioner under subsection (a) to  
 35 fulfill the requirements of this section, the court shall order the return  
 36 of the purchase price minus a penalty of twenty-five percent (25%) of  
 37 the amount of the purchase price. Penalties paid under this subsection  
 38 shall be deposited in the county general fund.

39 (e) Notwithstanding subsection (d), in all cases in which:

40 (1) the petitioner under subsection (a) has made a bona fide  
 41 attempt to comply with the statutory requirements under  
 42 subsection (b) for the issuance of the tax deed but has failed to

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1 comply with these requirements; and

2 (2) the court refuses to enter an order directing the county auditor  
3 to execute and deliver the tax deed because of the failure to  
4 comply with these requirements;

5 the county auditor shall not execute the deed but shall refund the  
6 purchase money plus six percent (6%) interest per annum from the  
7 county treasury to the purchaser, the purchaser's successors or  
8 assignees, or the purchaser of the certificate of sale under IC 6-1.1-24.  
9 The tract or item of real property, if it is then eligible for sale under  
10 IC 6-1.1-24, shall be placed on the delinquent list as an initial offering  
11 under IC 6-1.1-24-6.

12 (f) Notwithstanding subsections (d) and (e), the court shall not order  
13 the return of the purchase price if:

- 14 (1) the purchaser or the purchaser of the certificate of sale under  
15 IC 6-1.1-24 has failed to provide notice or has provided  
16 insufficient notice as required by section 4.5 of this chapter; and  
17 (2) the sale is otherwise valid.

18 (g) A tax deed executed under this section vests in the grantee an  
19 estate in fee simple absolute, free and clear of all liens and  
20 encumbrances created or suffered before or after the tax sale except  
21 those liens granted priority under federal law, and the lien of the state  
22 or a political subdivision for taxes and special assessments that accrue  
23 subsequent to the sale. However, the estate is subject to all easements,  
24 covenants, declarations, and other deed restrictions and laws governing  
25 land use, including all zoning restrictions and liens and encumbrances  
26 created or suffered by the purchaser at the tax sale. The deed is prima  
27 facie evidence of:

- 28 (1) the regularity of the sale of the real property described in the  
29 deed;  
30 (2) the regularity of all proper proceedings; and  
31 (3) valid title in fee simple in the grantee of the deed.

32 (h) A tax deed issued under this section is incontestable except by  
33 appeal from the order of the court directing the county auditor to issue  
34 the tax deed filed not later than sixty (60) days after the date of the  
35 court's order.

36 SECTION 12. IC 6-1.1-25-4.7 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.7. (a) A county  
38 auditor and county treasurer may enter into a mutual agreement for the  
39 county auditor to perform the following duties instead of the purchaser:

- 40 (1) Notification and title search under section 4.5 of this chapter.  
41 (2) Notification and petition to the court for the tax deed under  
42 section 4.6 of this chapter.

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(b) If a county auditor and county treasurer enter into an agreement under this section, notice shall be given under ~~IC 6-1.1-24-2(a)(11)~~. **IC 6-1.1-24-2(a)(12).**

SECTION 13. IC 6-1.1-25-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. Each county auditor shall maintain a tax sale record on the form prescribed by the state board of accounts. The record shall contain:

(1) **the key number and** a description of each parcel of real property:

(A) that is sold under IC 6-1.1-24;

(B) on which a county acquires a lien under IC 6-1.1-24-6; or

(C) for which a certificate of sale is ~~purchased~~ **sold** under ~~IC 6-1.1-24~~; **IC 6-1.1-24-6.1.**

(2) the name of the owner of ~~the record of~~ real property **with a single owner, or at least one (1) of the owners of record of real property with multiple owners**, at the time of the:

(A) sale;

(B) lien acquisition; or

(C) **sale of the** certificate of sale; ~~purchase~~;

(3) the date of the:

(A) sale;

(B) lien acquisition; or

(C) **sale of the** certificate of sale; ~~purchase~~;

(4) the name and mailing address of the:

(A) purchaser of the property and, **if the purchaser assigned the property**, the purchaser's assignee; or

(B) purchaser of the certificate of sale **and, if the purchaser assigned the certificate of sale, the purchaser's assignee**;

(5) the amount of the minimum bid **under IC 6-1.1-24-5(e)**;

(6) the amount for which the:

(A) real property; or

(B) certificate of sale;

is sold;

(7) the amount of any taxes **or special assessments** paid **after the sale** by the:

(A) purchaser of the real property or the purchaser's assignee; or

(B) purchaser of the certificate of sale;

and the date of the payment;

(8) the amount of any costs certified to the county auditor under section 2(e) of this chapter and the date of the certification;

(9) the name of the person, if any, who redeems the property;

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- (10) the date of redemption;
- (11) the amount for which the property is redeemed;
- (12) the date a deed, if any, to the real property is executed; ~~and~~
- (13) the name of the grantee in the deed; **and**
- (14) for each sale of a certificate of sale under IC 6-1.1-24-6.1,**
- the amount referred to in IC 6-1.1-24-6.1(a)(3).**

SECTION 14. IC 6-1.1-25-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) When a county acquires title to real property under IC 6-1.1-24 and this chapter, the county may dispose of the real property under IC 36-1-11 or subsection (e). The proceeds of any sale under IC 36-1-11 shall be applied as follows:

- (1) First, to the cost of the sale or offering for sale of the real property, including the cost of:
    - (A) maintenance;
    - (B) preservation;
    - (C) administration of the property before the sale or offering for sale of the property;
    - (D) unpaid costs of the sale or offering for sale of the property;
    - (E) preparation of the property for sale;
    - (F) advertising; and
    - (G) appraisal.
  - (2) Second, to any unrecovered cost of the sale or offering for sale of other real property in the same taxing district acquired by the county under IC 6-1.1-24 and this chapter, including the cost of:
    - (A) maintenance;
    - (B) preservation;
    - (C) administration of the property before the sale or offering for sale of the property;
    - (D) unpaid costs of the sale or offering for sale of the property;
    - (E) preparation of the property for sale;
    - (F) advertising; and
    - (G) appraisal.
  - (3) Third, to the payment of the taxes on the real property that were removed from the tax duplicate under section 4(c) of this chapter.
  - (4) Fourth, any surplus remaining into the county general fund.
- (b) The county auditor shall file a report with the board of commissioners before January 31 of each year. The report must:
- (1) list the real property acquired under IC 6-1.1-24 and this chapter; and
  - (2) indicate if any person resides or conducts a business on the

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1 property.

2 (c) **Subject to subsection (f)**, the county auditor shall mail a notice  
3 by certified mail before March 31 of each year to each person listed in  
4 subsection (b)(2). The notice must state that the county has acquired  
5 title to the tract the person occupies.

6 (d) If the county determines under IC 36-1-11 that any real property  
7 so acquired should be retained by the county, then the county shall not  
8 dispose of the real property. The county executive may repair,  
9 maintain, equip, alter, and construct buildings upon the real property  
10 so retained in the same manner prescribed for other county buildings.

11 (e) The county may transfer title to real property described in  
12 subsection (a) to the redevelopment commission at no cost to the  
13 commission for sale or grant under IC 36-7-14-22.2, IC 36-7-15.1-15.1,  
14 or IC 36-7-15.1-15.2.

15 (f) **The county auditor is not required to mail the notice referred**  
16 **to in subsection (c) by certified mail to a person with a mailing**  
17 **address outside the United States.**

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